

DRAFT MEETING MINUTES (Subject to ZBA review and approval)
DARIEN ZONING BOARD OF APPEALS (ZBA)
APRIL 22, 2009

REGULAR MEETING

Darien Town Hall - Room 206 - 7:50 to 9:50 PM

ZBA members present: Vic Capellupo, Gary Greene, Al Tibbetts, Ruth Anne Ramsey, and John Ashburne

Staff Present: Code Compliance Officer Robert Woodside and Recorder Bonnie Syat

ZBA Chair Vic Capellupo opened the meeting at 7:50 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

POSTPONEMENT

Mr. Capellupo announced that the Public Hearing of Calendar No. 12-2009, the application of Christian Browning, 17 Greenwood Avenue, has been postponed to May 20, 2009 due to a lack of neighbor notification.

CONTINUATION OF PUBLIC HEARING

The following hearing was continued with various plans and submitted application materials reviewed, correspondence considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 11-2009 - The application of Marek Kaminski filed on February 18, 2009 for variations of Sections 406 of the Darien Zoning Regulations and an amendment to the approved plans of Calendar No. 70-2006 to allow the existing, two and one-half story, enlarged residence with HVAC equipment to remain; Section 406: 4.13 in lieu of 10.98 feet minimum required side yard setback relative to the north property line, 14.02 in lieu of 20.87 feet minimum required side yard setback relative to the south property line, and 18.15 in lieu of 25.0 feet minimum required total of two side yards setback. The property is situated on the east side of Fairfield Avenue approximately 350 feet north of the intersection of Fairfield Avenue and West Avenue and is shown on Assessor's Map #20 as Lot #130, being 14 Fairfield Avenue and located in an R-1/3 (residential) Zone.

Mark Lebow and Marek Kaminski answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

PUBLIC HEARINGS

The following hearings were held with various plans and submitted application materials reviewed, correspondence considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 73-2008 - The application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner filed on December 17, 2008 for variances of Sections 675b, 904h, and 920 of the Darien Zoning Regulations, to allow the construction of a one story vestibule/entry foyer addition, the installation of four awning/canopies, use of the second floor area, and the installation of a wall sign; Section 675b: 69.0 in lieu of 75.0 feet minimum required Boston Post Road front yard setback, and 68.0 in lieu of 75.0 feet minimum required Richmond Drive front yard setback for the addition; 70.0 in lieu of 75.0 feet minimum required Boston Post Road front yard setback, and 52.0 in lieu of 75.0 feet minimum required Richmond Drive front yard setback for the awning/canopies; Section 904h: 17 in lieu of 22 minimum required parking spaces; and Section 920: the installation of a wall sign in addition to the installation of awning/canopy signs. The property is situated on the northwest side of Boston Post Road at the northeast corner formed by the intersection of Boston Post Road and Richmond Drive and is shown on Assessor's Map #12 as Lot #35, being 171 Boston Post Road and located in the SB-E (commercial) Zone. Loren Meyer, Teddy Giapoutzis, and Olga Giapoutzis answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Mr Meyer noted that due to a plan revision the wall sign variance request was withdrawn. Tom Sniffen, Peggy Barthold, and Jim Howe objected to various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 18-2009 - The application of Thomas G. Carruthers filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a one story covered porch addition; Section 406: 25.4 in lieu of 30.0 feet minimum required front yard setback and 50.4 in lieu of 55.0 minimum front yard setback as measured from the centerline of Intervale Road. The property is situated on the south side of Intervale Road approximately 200 feet west of the intersection of Intervale Road and Forest Road and is shown on Assessor's Map #24 as Lot #122, being 34 Intervale Road and located in an R-1/3 (residential) Zone.

Tom Carruthers answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. He noted that the proposed porch and other property features would result in the need for a coverage variance. He also said he would like to modify the porch plan. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the meeting on May 20, 2009.

CALENDAR NO. 13-2009 - The application of Wai Ping Wong & Kitty Shuk Han filed on March 25, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story and one story covered porch additions; Section 406: 47.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Relihan Road for the second story; and 42.0 in lieu of 50.0 feet minimum required front yard setback as measured from the centerline of Relihan Road for the covered porch. The property is situated on the west side of Relihan Road approximately 80 feet south of the intersection of LaForge Road and Relihan Road and is shown on Assessor's Map #44 as Lot #18, being 31 Relihan Road and located in an R-1/5 (residential) Zone.

Kitty Han and Steven Jones answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 16-2009 - The application of Robert Carley on behalf of Eliane Carley filed on March 25, 2009 for a variance of Section 406 of the Darien Zoning Regulations, to allow the construction of a replacement deck with a handicap ramp; Section 406: 16.9 in lieu of 30.0 feet minimum required front yard setback. The property is situated on the east side of Edgerton Street at the northeast corner formed by the intersection of Randall Street and Edgerton Street and is shown on Assessor's Map #21 as Lot #146, being 13 Edgerton Street and located in an R-1/3 (residential) Zone.

Robert Carley and Barret Faulkner answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

DELIBERATIONS AND DECISIONS

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 11-2009 - The application of Marek Kaminski, 14 Fairfield Avenue. Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 5-0 to GRANT WITH A STIPULATION the above delineated, requested amendment. Gary Greene, Jeff Williams, Vic Capellupo, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 73-2008 - The application of Loren M. Meyer, AIA on behalf of Theodoros Giapoutzis dba Darien Diner, 171 Boston Post Road. Upon a motion by Gary Greene, seconded by John Ashburne, the ZBA voted 5-0 to DENY IN PART WITHOUT PREJUDICE AND GRANT IN PART WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Jeff Williams, Vic Capellupo, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 13-2009 - The application of Wai Ping Wong & Kitty Shuk Han, 31 Relihan Road. Upon a motion by John Ashburne, seconded by Gary Greene, the ZBA voted 5-0 to DENY the above delineated, requested variances. Gary Greene, Jeff Williams, Vic Capellupo, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

CALENDAR NO. 16-2009 - The application of Robert Carley on behalf of Eliane Carley. Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to GRANT the above delineated, requested variance. Gary Greene, Jeff Williams, Vic Capellupo, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

OTHER BUSINESS

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 28-2008, Thomas Carruthers, 18 Thomasina Lane.

Upon a motion by Al Tibbetts, seconded by Ruth Anne Ramsey, the ZBA voted 5-0 to DENY the requested amendment and to require a Public Hearing of the proposal. Gary Greene, Jeff Williams, Vic Capellupo, John Ashburne, and Ruth Anne Ramsey voted in favor of the motion.

Approval of Minutes of meeting on March 25, 2009. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Al Tibbetts, Jeff Williams, John Ashburne, and Polly Davis.

Upon a motion by Gary Greene, seconded by Al Tibbetts, the ZBA voted 4-0 to APPROVE the subject minutes. Gary Greene, Vic Capellupo, John Ashburne,

and Al Tibbetts voted in favor of the motion. Polly Davis and Jeff Williams also previously indicated their approval.

Review of April 15, 2009 Joint Meeting discussions with the Architectural Review Board and possible procedural adjustments.

ZBA Staff provided copies of the various Sign Regulations for reference.

Questions were raised and discussed. Suggestions of possible changes were made for further consideration at a later date.

Upon a motion by Ruth Anne Ramsey, seconded by John Ashburne, the meeting was adjourned at 9:50 PM.

These Meeting Minutes were reviewed by the attending ZBA members, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2008. ... voted in favor of the motion. ... also (or previously) indicated his/her approval.

Respectfully submitted April 30, 2009,
by Robert Woodside,
Code Compliance Officer
ZBA Staff